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REMARKS

Responsive to the Office Action mailed March 31, 2006, Applicants provide the following. Claim 14 has been amended to correct a typographical error. Therefore, twenty-five (25) claims are pending in the application: Claims 1-25. Reconsideration of claims 1-25 in view of the amendment above and remarks below is respectfully requested.

In view of the below, Applicants submit that the pending claims are in condition for allowance, and respectfully request favorable action. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 541-2800 so that such issues may be resolved as expeditiously as possible.

Common Ownership of Pending Application and U.S. Patent Application Publication No. 2004/0228131 (Minano et al.)

1. The pending Application (i.e., Application No. 10/816,228) and U.S. Patent Application Publication No. 2004/0228131 (Minano et al.) were, at the time the invention of the pending Application was made, owned by or under an obligation of assignment at the time of invention to LIGHT PRESCRIPTIONS INNOVATORS, LLC.

Objections to the Drawings

2. The office action has objected to the drawings suggesting that the drawings as filed do not show "every feature ... specified in the claims" (office action, page 2). Specifically, the office action suggests that the drawings fail to show that the ejector section is "a biconical surface per at least Claim 9 ... is a portion of a sphere per at least Claim 14 ... is an inverted cone per at least Claim 15" (office action, page 2). Applicants respectfully submit that the drawings as filed do provide support and show every feature specified in the claims. Specifically, at least FIG. 1A shows an ejector section comprises a biconic surface; at least FIG. 22A shows a lower portion of an ejector section comprising a portion of a sphere; and at least FIGS. 13A, 17A and 18A show an upper portion of an ejector section comprising an inverted cone.

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Therefore, the drawings as filed provide support for and show every feature as specified, including the features of claims 9, 14 and 15. Thus, Applicants respectfully request the object be withdrawn.

Claim Objections

3. The office action objected to claim 14 identifying a typographical error. Applicants have amended claim 14 to recite "section is a portion of a sphere" as suggested in the office action. Therefore, Applicants respectfully request the objection be withdrawn.

Claim Rejections - 35 U.S.C. §102

4. Claims 1-5, 8 and 17 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent Application Publication No. 2004/0228131 (Minano et al.). Applicants respectfully traverse these rejections for at least the reason that the Minano patent cannot be applied as prior art under 35 U.S.C. §102(b) against the subject application.

The published Minano application does not qualify as prior art under 35 U.S.C. §102(b). The pending application was filed March 31, 2004 and the Minano application did not publish until November 18, 2004. Therefore, the Minano application cannot be applied as a reference under 35 U.S.C. §102(b), and thus, the rejection must be withdrawn.

Claim Rejections - 35 U.S.C. §103

5. Claims 6 and 7 stand rejected under 35 U.S.C. §103(a), as being unpatentable over the published Minano application in view of U.S. Patent No. 6,340,868 (Lys et al.); and claims 9-16 and 18-25 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the published Minano application. Applicants respectfully traverse these rejections.

Applicants have made a statement above indicating that the pending Application and the published Minano application were, at the time the invention of the

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pending Application was made, owned by or under an obligation of assignment at the time invention to LIGHT PRESCRIPTIONS INNOVATORS, LLC. 35 U.S.C. §103(c) recites:

subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicants submit that both the published Minano application and the subject application were assigned and/or under an obligation of assignment at the time of invention described in the subject application to LIGHT PRESCRIPTIONS INNOVATORS, LLC.

The pending application has at least a filing date of March 31, 2004. The Minano application was published on November 18, 2004. Therefore, under 35 U.S.C. §103(c) the published Minano application cannot be applied against the present application, and thus, Applicants respectfully request the rejection of claims 6-7 over the applied Minano application in view of the Lys patent and the rejection of claims 9-16 and 18-25 over the applied Minano application be withdrawn.

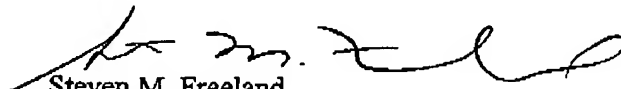
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CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Dated: 6-30-08

Respectfully submitted,


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